

Remarks

**In general.** Claims 1 to 31 are in the case. Claim 6 is amended hereby. No claim has been added or canceled. The Office Action dated February 20, 2001 imposed a restriction requirement, to which the Applicants hereby respond by election with traverse.

**Election.** The paragraphs below respond to the like-numbered paragraphs of the restriction requirement.

1. The Applicants elect a pharmacologically active domain that comprises an Fc domain (subparagraph a), with the further species election of an IgG1 Fc domain as prepared in E. coli.
2. As identification of a single disclosed species, which was requested in the Office Action at paragraph no. 2, the Applicants identify Fc-OPG. Claim 22 specifically includes OPG in the claimed process.
3. The following claims read on the election under paragraph 1 hereof:
  - All claims read on a process for preparing a pharmacologically active compound comprising an Fc domain;
  - Claims 28, 29, 30 and 31 read on a process for preparing a pharmacologically active compound comprising IgG1 Fc; and
  - Claims 5, 6, 7, and 20 read on a process wherein the pharmacologically active compound is prepared in E. coli.

**Traverse.** The Applicants hereby traverse the restriction requirement as follows.

The first election under paragraph 1 of the office action implies that the Fc domain is only present under claims 2 and 18. As written, however, the Fc domain is present in all claims by the dependency upon the independent Claims 1 or 17. Antibodies (Claims 3 and 19) are well known to comprise Fc domains as an ordinary part of their structure. The OPG proteins (Claims 11 and 22) comprise both an OPG protein and an Fc domain, as is shown in the specification in the background and summary of the invention at pages 1 to 2 and in the working examples at pages 31 to 36. Likewise, the leptin protein compounds, TNF-alpha inhibitors, IL-1 inhibitors, IL-1ra protein compounds, and TPO-mimetic compounds are fusion proteins comprising an Fc domain. The Applicants thus traverse any attempt to withdraw from consideration the aforementioned compounds as a result of the foregoing election.

The second election implies that SEQ ID NO: 2 of claims 30 and 31 cannot be considered together with the IgG1 Fc domain of claims 28 and 29. As shown in the specification at page 4, lines 16 to 19, SEQ ID NO: 2 is an exemplary amino acid sequence of an IgG1 Fc domain. As a result, the searches for IgG1 Fc domain and SEQ ID NO: 2 would substantially overlap and impose no burden. The Applicants thus traverse any attempt to withdraw from consideration the claims reciting SEQ ID NO: 2 as a result of the foregoing election.

The third election implies that there may be distinctions in the process as carried out in E. coli and CHO cells. The examiner has cited no such distinctions, and none are shown in the claims. The Applicants thus traverse any attempt to withdraw from consideration the claims reciting use of CHO cells.

**Conclusion.** In light of the foregoing amendments and remarks, the Applicants respectfully request entry of all amendments, withdrawal of all objections and rejections and requirements, and allowance of all claims.



Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

6. The process of Claim 45, wherein the copper (II) halide is  $\text{CuCl}_2$ .